

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Broadcast Localism

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MM Docket No. 04-233

REPLY COMMENTS OF COX BROADCASTING, INC.

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Cox Broadcasting, Inc. (“Cox”), by its attorneys, hereby submits these reply comments in response to the *Notice of Inquiry* in the above-captioned proceeding.¹ The *Notice* sought comment on a wide range of issues related to broadcasters’ service to their local communities, including the degree of service currently provided by broadcasters, particularly in the areas of political programming and emergency response. The *Notice* also requested comment on whether any new regulation may be necessary to ensure that broadcasters continue to serve the needs of their communities of license. Comments filed in response to the *Notice* clearly demonstrate that the vast majority of broadcasters currently provide excellent service to their local communities, and that no additional regulation is necessary or advisable. Good business sense drives the vast majority of broadcasters to respond to the needs and interests of their local communities. To impose any additional burdens on broadcasters would unnecessarily limit their flexibility to respond to local needs and interests, as well as draw resources away from their responses to their communities. For the few broadcasters that may not satisfy the needs and interests of their local

¹ *Broadcast Localism, Notice of Inquiry*, in MB Docket No. 04-233, 19 FCC Rcd 12425 (2004) (“*Notice*”).

communities, the Commission already has all the authority and information necessary to enforce these obligations in the license renewal process.

INTRODUCTION AND SUMMARY

Cox operates fifteen television stations in eleven markets. Cox television stations include affiliates of all of the four largest broadcast networks, as well as independent television stations in three markets. Cox television station markets range from San Francisco-Oakland-San Jose, the fifth largest Designated Market Area (“DMA”) in the United States, to Wheeling, West Virginia-Steubenville, Ohio, the 150th ranked DMA. In all of these markets, Cox television stations operate as local businesses, with local management empowered to make decisions at the local level. Cox television stations enjoy considerable autonomy to make decisions for their local markets as they see fit. Cox’s business model fully satisfies their obligation as Commission licensees to serve the public interest of their communities of license. Even absent any Commission obligations, however, Cox would continue to operate in this manner, as it recognizes that consumers in local markets receive the best service when broadcasters in their communities strive to meet their particular needs. Only in meeting these needs on a local level can any broadcaster hope to succeed in an increasingly competitive marketplace.

Many comments filed in response to the *Notice* detail the exceptional public service broadcasters provide to their local communities. Certain commenters, however, claim that broadcasters fail to serve their local communities of license, and urge the Commission to impose additional regulatory burdens on broadcasters. These commenters in some cases propose drastic changes to the Commission’s currently regulatory scheme. The Brennan Center for Justice, et. al., for example, argue that commercial media do not sufficiently serve their local communities, and propose numerous new regulations, including a forced system of community access or

channel leasing, the assignment of additional licenses to nonprofit entities, and even the imposition on all commercial broadcasters of a fee equal to five percent of gross advertising revenues. The Alliance for Community Media also claims that commercial broadcasters do not adequately serve their local communities, and proposes a mandatory set-aside of ten percent of all local media resources (including spectrum) for local non-commercial programming, similar to PEG requirements imposed on cable providers. The Campaign Legal Center and the Alliance for Better Campaigns specifically criticize broadcasters' service to their local communities of license with regard to coverage of elections and political issues. These comments also propose additional regulatory burdens for broadcasters including increased disclosure requirements, regularly scheduled audits of broadcasters' files, and interim reviews conducted at the mid-point of a broadcaster's license term. Echostar Satellite, LLC accuses "many" broadcasters of abdicating their localism responsibilities, and urges the Commission to institute a requirement that to qualify for must-carry under SHVIA, a broadcaster must air locally-produced programming amounting to at least four percent of each broadcast week. These proposed changes to the Commission's rules would in fact harm localism by diverting broadcasters' attention and resources from responding to their local communities, not to mention raising serious First Amendment concerns. More fundamentally, however, they are all based on a faulty premise – that broadcasters are currently failing to serve the needs of their local communities of license.

I. THERE IS NO "LOCALISM PROBLEM" THAT THE COMMISSION NEEDS TO FIX

The premise used to support some comments filed in response to the *Notice*, and in fact underlying this entire proceeding – that broadcasters are failing to respond to the needs of their local communities – is simply untrue. In fact, as many of the comments in this proceeding have

shown, the vast majority of broadcasters provide exemplary service to their communities of license. Broadcasters are already intimately involved in their communities, ascertaining their needs and interests through a wide variety of methods, specifically designed to be most effective in the communities in which they are located. Broadcasters respond to these needs through their entire selection of programming, including public service announcements and network and syndicated programming that responds to these needs and interests, as well as locally originated news and public affairs programming. As these comments will demonstrate through a representative sample of the programming and local public service efforts of Cox television stations, including separate exhibits prepared by a representative sample of Cox television station, these stations, and indeed broadcasters generally, provide excellent service to their communities of license.

A. COX STATIONS' NEWS PROGRAMMING PROVIDES EXCEPTIONAL COVERAGE OF LOCAL NEEDS AND INTERESTS

As pointed out in many comments filed in this proceeding, one of the primary ways in which television stations respond to their community's needs is through local news programming.² Cox television stations provide extensive, award-winning, regularly-scheduled local news coverage to their communities of license. These locally-produced news programs address news events that occur on the local level, as well as the local effects of national and international events and trends.

In addition to covering national issues and their impact on their communities, Cox stations provide newscasts that serve as a primary source of news on events occurring in the local

² See, e.g., Comments of The Radio-Television News Directors Association at § II (citing studies confirming that a majority of the public believes local television provides good or excellent coverage of local news).

communities themselves. For example, KTVU(TV), Oakland, California, provides extensive local news coverage in the fifth-largest market in the United States, including six hours of local news programming every weekday. WSB-TV, Atlanta, Georgia, provides five hours of original local news programming each weekday.

In the third quarter of 2004, Cox station WHIO-TV, Dayton, Ohio, provided extensive coverage of the appearance of the West Nile virus in the station's viewing area, the discovery of meningitis in a local high school, the departure of local National Guard troops for overseas service, a controversy over a proposed landfill in the station's viewing area, and changes in the methods of registration for Dayton-area high school students. During this same period, WJAC-TV, Johnstown, Pennsylvania, covered the consolidation of two local junior high schools, the merger of two local hospitals, a July outbreak of Salmonella in the station's viewing area, the bankruptcy of a local chain of bridal salons, and an ongoing story of a strike by teachers at the beginning of the school year. WJAC-TV also provided extensive coverage of flash-flooding that hit the Johnstown area in July and August, and attempts to qualify the area for federal disaster relief funds.

During the second quarter of 2004, WPXI(TV), Pittsburgh, Pennsylvania, provided extensive coverage of US Airways' decision to discontinue its use of the Pittsburgh International Airport as one of its service hubs. WPXI(TV)'s coverage provided information to viewers on the decision itself, as well as the impact these developments would have on the Pittsburgh community and economy. KIRO-TV, Seattle, Washington, has provided news coverage of many issues of great importance to the Seattle community, including on-going coverage of "tent city," a gathering of homeless residents of Seattle. This "tent city" has shifted to numerous locations within Seattle, and KIRO-TV has covered the controversy it has caused and the issues it has

raised in each new location. During the third quarter of 2004, KIRO-TV also provided extensive coverage of events involving Seattle's famous monorail, including a fire in July that caused the monorail to suspend operations for an extended period, and ongoing debate over whether to extend the monorail system.

The exemplary news programming produced by Cox television stations has been recognized by numerous media organizations, and Cox news departments have earned a number of awards. KFOX-TV, El Paso, Texas, for example, in just the first seven years its news department has existed, has already received over 250 awards, including sixty-three awards from the Texas Associated Press, which has recognized KFOX-TV as the Most Outstanding Television News Department in the state of Texas. The New Mexico Associated Press has also recognized KFOX-TV with fifty-three awards, including seven awards for Public Service. Other Cox television stations, including WTOV-TV, WSB-TV and WSOC-TV have also received awards recognizing their new programming and devotion to public service.

B. EMERGENCY RESPONSE

In addition to regularly-scheduled local news programming, local television stations often provide the first source of news and information community members turn to in the face of potential natural disasters and other emergencies. Cox television stations in particular, and broadcasters more generally, serve as an indispensable link in the public safety system. Television stations in Florida and the southeastern United States demonstrated the critical role they can play in this system this summer, as the area suffered through one of the worst hurricane seasons in memory, with at least four major storms making landfall in the area. These events presented a great challenge to all broadcasters in the affected areas, and Cox believes that its stations clearly demonstrated that they were up to the challenge, providing exemplary local public service during exceedingly difficult circumstances.

Three major hurricanes crossed the area served by WFTV(TV) and WRDQ(TV), Orlando, Florida, during August and September, and the stations met the challenge presented by each of these storms. Beginning on August 13, WFTV(TV)'s local meteorologist predicted that Hurricane Charley would impact the Orlando area. The station's local weather department in fact issued this prediction before even the National Hurricane Center had predicted that Orlando would be the storm's target. In anticipation of the arrival of Charley, WFTV(TV) preempted all regularly scheduled programming to broadcast continual local news coverage from noon on August 13 through 12:30 pm on August 14, except for a short break in the late night and early morning hours. Even after returning to regularly scheduled programming on August 14, WFTV(TV) continued to broadcast regular news updates detailing the impact of the storm. The station also preempted regular programming for thirty minutes each day at 7:00 pm during the following week to broadcast special daily hurricane-related newscasts, in addition to its regularly scheduled news programs. These special reports addressed recommended safety precautions and issues related to insurance claims, curfews, looting, damage reports, and the efforts of the community in recovery.

In early September, the arrival of Hurricane Frances presented a new threat to the Orlando area. Again, WFTV(TV) responded by preempting all regularly scheduled programming, beginning on September 3rd at 3:00 pm and continuing through midnight on September 6th, with breaks each night only from 12:30 am through 5:00 am. Prior to the time Frances actually hit the Orlando area, WFTV(TV)'s coverage focused extensively on preparations for the storm, including the massive evacuation of parts of the station's viewing area. As it did after the impact of Charley, WFTV(TV) continued to preempt regularly scheduled programming each night through September 9 to broadcast a nightly wrap-up of the

area's recovery from the storm. During the aftermath of Frances, WFTV(TV) newscasts again focused on recovery efforts, as well as the extensive damage caused to area beaches due to storm erosion, and the increasing impact on people living in areas that had been without power for extended periods of time.

Although central Florida was fortunate to avoid the impact of Hurricane Ivan, WFTV(TV) did provide extensive coverage of the approach and impact of that storm during its regular newscasts in September. In late September, the Orlando area once again braced for the impact of an unprecedented third major hurricane, Jeanne. WFTV(TV) provided extensive coverage of the approach of this storm, focused especially on informing viewers of how to prepare for another storm while still attempting to recover from the previous hurricanes. WFTV(TV)'s continuous coverage of Jeanne began with squeezebacks during college football games on Saturday, September 25. Beginning at 7:00 pm that evening, the station preempted all regularly scheduled programming for the next 25 hours to broadcast news coverage of the storm's impact. Again, WFTV(TV) continued to preempt regularly scheduled programming in the week after Jeanne's impact to broadcast daily wrap-up newscasts.

In the immediate aftermath of these hurricanes, WFTV(TV), as well as Cox's other Orlando television station, WRDQ(TV), provided critical information to viewers regarding the impact of these storms and the area's recovery. News stories during this time addressed such issues as Federal Emergency Management Agency relief available to community members, the impact on local school systems of days of missed classes, the impact of the storms on the local tourism industry, the continuing impact of long-term power outages, and infestations of mosquitoes brought about by flooding from the storms. WFTV(TV) and WRDQ(TV) also

provided invaluable warnings to local viewers regarding scam artists preying on those victimized by the hurricanes.

Although Cox hopes that none of its stations ever have to face disasters such as these, it is extraordinarily proud of their response when such events do occur. They are able to provide an invaluable source of information for their local communities, one which national distribution chains cannot match. While such times are the worst events these stations hope to experience, at the same time they are some of the best examples of the service Cox television stations provide to their local communities.

C. POLITICAL PROGRAMMING AND ELECTION COVERAGE

An event need not be a disaster, however, to warrant extensive local coverage. Cox television stations, for example, provided a primary source of information to their local communities regarding political issues during the recently completed election cycle. Certain commenters in this proceeding have criticized television broadcasters for allegedly failing to serve the political needs and interests of their local communities.³ Cox believes that these criticisms are entirely misplaced. Cox television stations, as well as other broadcasters, have provided excellent political coverage that has fully satisfied the needs and interests of their local communities.

WFTV(TV) and WRDQ(TV), while under the dramatic pressures of three major hurricanes, as described above, still provided extensive news coverage of important local and national political issues, including providing information on Florida's new early voting procedures, as well as problems the state faced with the list of convicted felons used to determine voter eligibility. Both stations also broadcast a special thirty minute program entitled "Before

³ See Comments of The Campaign Legal Center and the Alliance for Better Campaigns.

You Vote,” produced by the Florida Department of State to stimulate voter turnout and inform voters of what to expect at the polls. WFTV(TV) and WRDQ(TV) also each offered free air time to local candidates for Senate and Congressional races, which was accepted by six House candidates and one Senate candidate. The stations offered to host debates between the candidates for these races as well, although unfortunately they were unable to broadcast any such debates as at least one candidate for each race turned down the offer.

WHIO-TV, Dayton, Ohio, also offered five minutes of free airtime to each candidate in a Senate or Congressional race in the station’s viewing area. All eight candidates who were offered such time accepted, and WHIO-TV broadcast their messages as part of a one hour special titled “2004 Candidate Review.” WHIO-TV also offered to host debates between the candidates in each of these races, although the candidates for only one Congressional race accepted this offer, and therefore WHIO-TV was only able to broadcast one such debate. The station also provided extensive live coverage of the many visits the Presidential and Vice-Presidential candidates made to the station’s viewing area. Live coverage of these speeches totaled more than 23 hours of coverage, and was supplemented by extensive news coverage of these events. WHIO-TV also broadcast numerous PSAs encouraging viewers to vote. All of these efforts clearly had an effect, as voter turnout in the station’s viewing area was up 50 percent.

Cox television stations WSOC-TV, Charlotte, North Carolina and WAXN-TV, Kannapolis, North Carolina also made offers of free air time to forty candidates involved in November 2004 elections, and broadcast segments from nineteen candidates running for the United States Senate and House of Representatives, and the North Carolina Governor’s office. In addition to ABC Network coverage of the Presidential and Vice-Presidential debates on WSOC-TV, both WSOC-TV and WAXN-TV broadcast three debates between local candidates

for the United States House of Representatives, one debate between candidates for the North Carolina's open United States Senate seat, and one debate between the candidates for Governor of North Carolina.

WSB-TV in Atlanta also hosted debates for local Congressional candidates involved in races for both the Senate and the House of Representatives, including broadcasts in July of debates between candidates in both the Republican and Democratic Senate primaries.

WSB-TV's offer of free time to candidates was accepted by fourteen House candidates, three Senate candidates, and three candidates for the local Public Service Commission. The station broadcast five-minute messages from each of these candidates as part of a commercial-free ninety minute special which also included valuable voter information. KRXI-TV, Reno, Nevada, in addition to offering free time to candidates, broadcast four Candidate Forums, each two hours long, featuring candidates involved in races for the Nevada State Assembly, the Reno City Council and Washoe County Commission, The Washoe County School Board, and the Nevada State Supreme Court.

WTOV-TV, Steubenville, Ohio, offered free time to candidates in numerous local races, and broadcast messages from both Presidential candidates as well as candidates for United States Congress from West Virginia and Ohio, for the West Virginia Governor's office, and for Jefferson County (Ohio) Prosecutor. WTOV-TV also broadcast a live debate between the candidates in West Virginia's gubernatorial race, and WTOV-TV news anchor Eric Minor conducted one-on-one thirty minute interviews with the Republican candidate for this office (the Democratic candidate declined repeated offers), as well as both candidates in the Jefferson County Prosecutor's race. The station provided extensive coverage of the numerous visits by the

Presidential and Vice-Presidential candidates to the area as well, including live broadcasts of many such speeches.

Even when politics does not take as large a role in the spotlight as it did this year, Cox television stations have provided detailed coverage of local races that affect their communities. In 2003, for example, KTVU(TV), in Oakland, California, offered candidates in the state gubernatorial recall election free half-hour specials in which they could address the public. Three candidates for the governor's office accepted this offer. The station also provided extensive news coverage of the recall election.

As has been noted in numerous comments filed in this proceeding, any attempt by the Commission to regulate the amount or nature of political coverage provided by broadcasters would create serious First Amendment concerns.⁴ Moreover, it would also be entirely unnecessary. As shown by the above examples from Cox stations, television broadcasters already provide extensive political coverage, which focuses on both national and local races, and addresses the important issues at stake in these elections, rather than focusing solely on the "horse-race" aspects of political campaigns.

D. "PUBLIC AFFAIRS" PROGRAMMING

Certain comments filed in this proceeding have criticized broadcasters for allegedly attempting to respond to local issues solely through news programming, and failing to broadcast additional public affairs programs.⁵ Cox believes that these allegations are misleading and erroneous. It is difficult, if not impossible, to draw a bright line dividing public affairs programming from news programs. Many television stations address "public affairs" issues

⁴ See, e.g. Comments of the National Association of Broadcasters at pp. 40-42.

⁵ See Comments of the Brennan Center for Justice, et. al. at pp. 23-24.

within newscasts, or with special programs produced and categorized as “news” programming, but which address public affairs issues. Cox’s KIRO-TV, for example, produced and aired two one hour specials during the third quarter of 2004, one on the best local hikes in the Seattle area, and one entitled “The Troubled Waters of Puget Sound,” detailing the effects of pollution on one of the areas most important waterways. Both of these programs were produced by the station’s news department and designated as “news” programming, although they clearly also address “public affairs” issues.

To accurately determine a broadcaster’s service to its local audience, the Commission must examine its coverage of public affairs issues in all of that broadcaster’s programming, not just that programming which is specifically denominated as “public affairs.” As a supplement to its extensive coverage of public affairs issues in its news programming, however, Cox television stations do in fact broadcast numerous regularly scheduled public affairs programs providing in depth coverage of issues of great importance to their local communities.

WHIO-TV, Dayton, Ohio, for example, produces and broadcasts a weekly half-hour program entitled “WHIO Reports,” designed to explain and discuss issues of importance to residents of the Miami Valley area. Episodes of this program broadcast during the third quarter of 2004 included in-depth interviews with representatives of the Miami Township Police Department, with the City Manager of the nearby community of Trotwood, and with the superintendent of Dayton, Ohio’s public schools regarding a major renovation project.

KICU-TV, San Jose, California, produces and broadcasts a weekly half hour program “Q&A,” which features interviews conducted by the station’s Community Affairs Director with representatives of local organizations. Many of these interview segments specifically target the needs and concerns of the significant Hispanic population in KICU-TV’s viewing area.

WRDQ(TV), Orlando, produces and broadcasts a weekly half-hour program called “Central Florida’s Diversity.” This program specifically addresses the increasing diversity of the Orlando area, and the particular concerns of minority groups in the station’s community. Recent episodes have addressed such wide-ranging issues as the concerns of migrant farm workers in the area, the rapidly increasing incidence of diabetes among Asian-Americans in Orlando, and the rapid growth of the “Little Vietnam” area of the city.

WPXI(TV), Pittsburgh, Pennsylvania, broadcasts two locally-produced half-hour programs focused on local public affairs. “Impact” is a weekly talk show that focuses particularly on issues important to Pittsburgh’s minority communities. In the past year, guests on this program have included the director of the Clean Slate Program, a drug abuse-prevention program for children, and representatives of The Pittsburgh Foundation, an organization devoted to the betterment of the entire Pittsburgh community. WPXI(TV) also produces and broadcasts “Talking Pittsburgh,” another thirty minute public affairs talk show. During the past year, guests on this program have included representatives of many local organizations, such as the Central Northside Neighborhood Council. Episodes of “Talking Pittsburgh” have also focused on the impact of world events on the residents of Pittsburgh. The Outreach Director of the Islamic Center of Pittsburgh, for example, appeared on the program to discuss the war in Iraq. Programs such as these provide a valuable supplement to these stations’ regular news programming. They are clearly, however, not the only programs that address “public affairs” issues.

E. PROGRAMMING NEED NOT BE LOCALLY PRODUCED OR ORIGINATED TO RESPOND TO LOCAL NEEDS AND INTERESTS

The *Notice* also sought comment on how the Commission should define “local” programming for purposes of measuring a broadcaster’s service to its community of license. It requested comment on whether only programming produced or originated locally should qualify

as “local” programming or if programming from any source could be local if it responded to the needs and interests of the broadcaster’s community of license.⁶ Cox believes it is clear that the Commission should consider all programming responsive to the needs and interest of local communities as “local” programming. As the *Notice* recognized, the Commission has previously acknowledged that programming produced outside a broadcaster’s service area may still respond to the issues that are important to local viewers.⁷ National public service campaigns aimed at encouraging voter registration, eliminating drinking and driving, or reducing domestic violence, may respond to the needs and interests of almost any community. National news coverage also responds to the needs and interests of local viewers, in providing coverage of presidential elections, international affairs, and other events that are of concern to individuals in communities throughout the United States. The subjects of these reports and stories, regardless of where the reports are produced or originated, are without a doubt relevant and important to viewers in local communities.

News and public affairs programming that is national in scope may also be valuable to local communities in adding to viewers’ understanding of how their needs and concerns are shared by others throughout the country, and in some instances how these needs and concerns differ dramatically. Accordingly, Cox believes that the Commission should continue to recognize that programming need not be locally produced or originated to respond to local needs and interests, and that there is accordingly no need to require broadcasters to carry any specific amounts of locally-produced or originated programming.

⁶ *Notice* at ¶ 14.

⁷ *Id* (citing *Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log requirements for Commercial Television Stations*, 104 F.C.C.2d 357, 366 ¶ 15 (1986)).

F. BROADCASTERS ASCERTAIN AND RESPOND TO THEIR COMMUNITIES IN MANY WAYS IN ADDITION TO PROGRAMMING

Broadcasters provide service to their communities, and satisfy local needs and interests, through a wide variety of programming. Serving the local public interest, however, consists of more than simply programming. Broadcasters interact with their communities in many other ways, interaction which both helps these broadcasters ascertain the needs and interests of their communities, and helps satisfy these needs and interests.

As detailed in the comments filed in this proceeding, broadcasters are very involved in their local communities in many ways. Broadcasters produce and broadcast public service announcements (“PSAs”) for many local charities and events, sponsor numerous events, offer station tours, visit local schools, and interact with members of their communities in countless other ways. Cox television stations provide exemplary models of this type of interaction.

Cox television station WHIO-TV, Dayton, Ohio, for example, serves as the sponsor for many local charity and community events, including the local incarnation of the American Heart Association’s African-American Wellness Walk, the Alzheimer’s Association of Montgomery County’s Memory Walk, and the Epilepsy Foundation of Western Ohio’s annual fundraising event, a mud volleyball tournament. Through these types of activities, WHIO-TV staff interact closely with members of the Dayton community, gaining significant insight into their interests and the issues most important to them. WHIO-TV also broadcasts PSAs for a wide variety of groups, including the Epilepsy Foundation. One of these PSAs, entitled “Women in Epilepsy,” has proven so important to the Epilepsy Foundation that when it was removed from broadcast rotation in 2003, the Foundation reported to WHIO-TV that participation in its women’s support group suffered a drastic decline. In response, WHIO-TV resumed broadcasting the PSA, and participation in this support group is again increasing.

WSOC-TV, Charlotte, North Carolina, has developed a partnership with local schools through a program called “Live Weather Network 9.” As part of this program, WSOC-TV places weather equipment and computers in Charlotte area schools. Students at these schools then use the equipment to provide weather information to the station that is used in WSOC-TV’s and WAXN-TV’s weather reports. Cox’s Atlanta television station, WSB-TV, is also involved with Atlanta-area schools, and has sponsored a “Back 2 School Campaign,” encouraging members of the Atlanta community to donate school supplies for homeless children. WSB-TV has also teamed up with The Safe America Foundation in the “SafeTeen Georgia Program,” offering classes to teenagers teaching safe driving techniques and habits.

KFOX-TV, El Paso, Texas participates in numerous community activities, including a partnership with the local Las Palmas Medical Center designed to help reduce the impact of breast cancer by reminding women of the importance of monthly self-examination. KIRO-TV, Seattle, Washington, has sponsored the Kids Classic Golf Tournament, which benefits the Children’s Home Society of Washington, an organization providing support to children through parent education, foster care, adoption and advocacy. In addition to producing and broadcasting a PSA to publicize this event, KIRO-TV staff took advantage of an excellent opportunity for community interaction and formed two teams that competed in the Golf tournament.

These kinds of interactions with members of the stations’ local communities provide an excellent informal opportunity for the staff of these stations to learn about the issues that members of these communities feel most strongly about, and what they are concerned with and would like the station to focus programming on. Any re-imposition of strict and formulaic ascertainment requirements, however, could threaten these activities by diverting substantial station resources to administrative tasks that are not even tailored to the stations’ specific

communities. By getting out and involving themselves with their communities, Cox Television stations are able to more efficiently learn the needs of these communities than they would be if they were required to spend significant time and resources in undertaking new ascertainment activities designed for other communities.

Cox believes that the examples provided by its television stations are representative of the public service provided by the great majority of television broadcasters. These broadcasters as a matter of course provide extensive programming addressing the specific needs and interests of their local communities, tailored to these needs and interests as the broadcasters have determined best suits the specific situation present in their local community. As Cox and other broadcasters submitting comments in this proceeding have demonstrated, there is simply no “localism problem” that the Commission needs to fix.

II. MARKET DEMANDS AND COMPETITION DRIVE BROADCASTERS TO SATISFY LOCAL NEEDS AND INTERESTS

Certain commenters have expressed concern that without Commission intervention, broadcasters will cease to serve the local needs and interests of their communities of license, or have already done so.⁸ Cox disagrees. Increasing competition in the video delivery and entertainment marketplace will in fact simply reinforce what Cox has believed for years; that it is simply good business for broadcasters to respond to the local needs of their communities.

The marketplace for video programming and entertainment has changed drastically since the advent of television. In recent years, cable and satellite television, home video and DVD players, and the internet have provided a multitude of options to viewers who once relied solely on their local television broadcast stations. Local broadcasters have one significant advantage

⁸ See, e.g., Comments of the Consumer Federation of America and Consumers Union at p. 2.

over other content providers, however. Such broadcasters still provide the only sources that are truly local in nature. Cable and satellite television channels are predominantly national media, with national footprints, and are therefore unable to respond effectively to the needs of local communities. While the ability to reach a national audience clearly presents certain economic advantages to these providers, it does leave one obvious competitive opening for local broadcasters – to continue to meet the specific needs of their local communities. Increasing competition will in fact drive broadcasters to focus even more on their local audience’s needs and interests to survive. To better ascertain these issues, local broadcasters will continue to interact closely with their communities, and will broadcast programming responsive to these desires. No additional regulatory incentive is necessary to encourage such service, however. Broadcasters’ good business sense and desire to succeed will in fact force them to provide this local focus.

With market forces and competition driving local broadcasters towards continued local service, these broadcasters will best be able to provide this service by remaining free to respond individually to the individual needs of their communities. Using Cox television’s stations as an example, it is obvious that the most effective ways to ascertain and satisfy the needs and interests of communities as diverse as Oakland, California, and Steubenville, Ohio will be different in these communities. While many needs and interests will certainly overlap, many will also be unique to each community. Regulation requiring a one-size-fits all approach would result in neither community enjoying the most valuable and effective local broadcasting possible.

III. TO THE EXTENT ANY BROADCASTERS DO NOT SATISFY THEIR OBLIGATIONS, THE COMMISSION ALREADY HAS SUFFICIENT AUTHORITY AND INFORMATION TO ADDRESS THESE FAILURES

As these reply comments and the comments of other broadcasters submitted in this proceeding have shown, the great majority of local broadcasters provide excellent public service

to their local communities. Admittedly, a very small minority of broadcasters may still fail to uphold their obligations to their communities of license. The failures of this minority, however, should not lead the Commission to impose any unnecessary and over-burdensome regulations on the vast majority of broadcasters who fully satisfy these obligations. The Commission already has all the tools it needs to punish any broadcasters that fail in their obligations. Any additional regulation would likely be ineffective at improving such broadcasters' performance, instead merely harming the ability of all broadcasters to respond to the individualized needs of their local communities.

The Commission, in its license renewal process, already has all the authority and information necessary to enforce broadcasters' local public service obligations. It is undisputed that the Commission has the authority to deny a license renewal to a broadcaster who has demonstrably failed to serve the public interest, including the public interests of its community of license. In the exceedingly rare instance that a licensee has failed to uphold this obligation, the Commission can address this failing at the time the licensee's license is up for renewal. Information regarding the licensee's local public service will be available for public review in the television station's public inspection file, in its issues and programs lists and other quarterly reports. These reports provide a valuable, primary source of information regarding the licensee's service to its community that the Commission can review in deciding to grant a license renewal. Over and above any Commission review of a licensee's public inspection file, a licensee who has truly failed to satisfy the needs and interests of its community is almost certain to have its license renewal challenged by members of that community. In such a proceeding, current Commission Rules already require that the licensee provide the information necessary to make an informed decision regarding that licensee's service to its community. There is no reason to impose costly

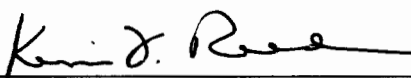
and burdensome regulation on the vast majority of broadcasters who already fulfill these obligations in an attempt to provide additional methods by which to punish those who do not.

CONCLUSION

As detailed above, this proceeding is in essence an attempt to fix a problem that does not exist. As this representative, but in no way exhaustive, sample of the efforts of Cox's television stations demonstrates, the great majority of broadcasters already provide excellent public service to their local communities, and competition from other sources of program content will continue to reinforce this local focus. The Commission currently possesses all of the authority and information necessary to punish the tiny minority of broadcasters who fail to uphold their public service obligations to their local communities. Accordingly, Cox urges the Commission to refrain from imposing unnecessary regulation that threatens to impede broadcasters' individualized service to their communities, as well as infringing on those broadcasters' first amendment rights, in a vain attempt to fix a problem that does not exist.

Respectfully submitted,

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